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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA, Plaintiff, v. **Roberto CRUZ-Granados,** Defendant	Magistrate Docket No. '07 MJ 2890
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 11, 2007** within the Southern District of California, defendant, **Roberto CRUZ-Granados,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **13th** DAY OF **DECEMBER 2007**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Roberto CRUZ-Granados

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PROBABLE CAUSE STATEMENT

On December 11, 2007 Senior Patrol Agents J. Davila, and D. Kitzman were conducting uniformed patrol duties near Dulzura, California, and area approximately twelve miles east of the Otay Mesa Port of Entry, and four miles north of the International Boundary. Agent Davila was accompanied by his DHS Canine. At approximately 1:45 P.M., the agents received a citizen report of aliens. Upon arriving at the location, the agents found footprints heading north. The canine acquired the scent of the suspected aliens and led Agents Davila and Kitzman to a group of eight persons.

Agent Davila identified himself as a United States Border Patrol Agent and conducted an immigration field interview of all eight persons, including one later identified as the defendant, **Roberto CRUZ-Granados.** All eight persons, including the defendant, admitted to being citizens and nationals of Mexico, not in possession of documents to enter or remain in the United States legally. Agents Davila and Kitzman took all eight aliens into custody and transported them to the Brown Field Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 8, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admits that he is a citizen and national of Mexico. The defendant further admits that he was formally removed from the United States on or about December 8, 2007. The defendant states that he intended to return to the Portland, Oregon area to seek work and reside indefinitely.